HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.19368 of 2006

Between:

M/s. Gummadi Industries represented by its
Managing Partner, Sri G. Srinivasa Rao.

… Petitioner

And

The Municipal Commissioner, Ongole Municipality.

… Respondent

:: ORDER::

Counsel for the Petitioner: Shri Krishnadevan for
Shri O. Manohar Reddy, Advocate.

October 09, 2006

Per G.S. Singhvi, CJ

The petitioner has sought intervention of the Court for quashing

the proceedings in Rc.No.4053/F2/06 dated 14-09-2006 issued by Commissioner, Ongole Municipality for closure of the water packaging unit run by it on the ground that the industry does not have ISI standards mark.

In the affidavit filed by Shri G. Srinivasa Rao, Managing Partner of the petitioner, it has been averred that he was granted Provisional Registration Certificate on 18-10-2001 for establishing packaged drinking water unit at Kammalapalem, Ongole. The same was confirmed on 26-10-2002. He has further averred that before obtaining Provisional Registration Certificate, he established infrastructure and has been running small scale industry under the name and style of M/s.Gummadi Industries. According to him, he has been supplying the packaged drinking water in bubble top containers of 20 litres and pouches to the local residents without any cause of complaint. His grievance is that even though he has applied on 3-8-2006 for grant of BIS certification and his application is pending consideration, the authorities of Ongole Municipality seized the unit and forcibly stopped the manufacturing activity.

We have heard Shri Krishnadevan and perused the record. Learned counsel submitted that even though presently his client does not have BIS certification, the Court may, as an interim measure, allow it to undertake the manufacture of packaged drinking water because the application made by it for grant of BIS certification and/or renewal of the certificate granted in the year 2002 is pending consideration.

In our opinion, there is no merit in the submission of the learned counsel. It is not in dispute that obtaining of BIS certification is a condition precedent for manufacture of packaged drinking water. Therefore, this Court cannot issue a direction to the respondent to allow the petitioner to carry on the activity of manufacturing the packaged drinking water despite the fact that it does not possess the requisite certificate. Any such direction by the Court would result in violation of the provisions contained in the Indian Standards Act.

With the above observations, the writ petition is dismissed. However, liberty is given to the petitioner to apply to the concerned authority of Ongole Municipality to allow it to undertake manufacture of packaged drinking water after obtaining the required BIS certification.

As a sequel to dismissal of the writ petition, WPMP No.24428 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

October 09, 2006
svs